(1) (3) Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 371 /2005

PETITIONER

MAHIPAL DEV SHARMA SON OF SHRI I.M.DUBEY, RESIDENT OF VILLAGE SALGAWAKALA P.O. SONHAT TEHSIL SONHAT DISTT. KOREA C.G.

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH THROUGH SECRETARY DEPARTMENT OF TRIBAL WELFARE, GOVERNMENT OF CHHATTISGARH, D.K.S. BHAWAN RAIPUR C.G.

2. COLLECTOR KOREA BAIKUNTHPUR C.G.

3. ASSITANT COMMISSIONER ADIVASI VIKAS KOREA BAIKUNTHPUR C.G.

P.R. No. 358/05
Presented by Shri Sumit Berar
dated 28.01.05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.371/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

03.03.2005

Dr. N.K. Shukla, Sr. Advocate with Ms. Ritu Mishra, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State on advance copy.

Application for urgent hearing is allowed.

Heard on admission.

The petitioner has prayed for quashment of departmental inquiry pending against him. The case of the petitioner is that the petitioner was placed under suspension vide order dated 19.08.2002 (Annexure P-1), charge sheet was issued vide Annexure P-2. The petitioner filed the reply to the charge sheet and participated in the disciplinary proceedings. The inquiry officer after conducting the inquiry submitted the final report dated 24.03.2004 vide Annexure P-4. Now the matter is lying before the disciplinary authority for further proceedings.

The petitioner has challenged the inquiry on various factual aspects. It is submitted that the act attributed to the petitioner does not constitute mis-conduct and is not in contravention of Rule 3 of Civil Services Conduct Rules, 1965 for which the inquiry is being conducted. Learned counsel for the petitioner also submits that in fact negligence in duty is also not established and the report is bad in law on these counts.

Since the inquiry is at the verge of completion and the inquiry report has been filed by the inquiry officer and that the

GRPRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

disciplinary authority is to take further action under the law, this Court is of the opinion that it would not be proper to interfere in the matter at this stage, which is in fact at the fag end of the disciplinary proceedings.

Since this Court is not inclined to interfere in the proceedings at this stage, the petition has to be dismissed. Further the petitioner may highlight all these grounds while filing his reply, if such an exigency arises on account of issuance of notice before punishment.

Since the inquiry report has been submitted, it is expected that the disciplinary authority shall try to complete disciplinary proceedings within two months from the date of production of copy of this order before him.

With aforesaid observation, the petition is dismissed.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

GRP